IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

CRIMINAL APPLICATION NO. 5348 OF 2004

Smt. Bindu Gaurang Parikh .. Petitioner

Vs.

Dhiren D. Shah & Anr. .. Respondents

S.V. Mawadi for Petitioner.

Mrs. M. M. Deshmukh, PP for State.

CORAM: S.K. SHAH, J.

DATE : 13th June, 2006.

P.C.

Heard the learned counsels on both sides. By this application what is challenged is the order of issue of process for offence under section 138 of the Negotiable Instruments Act by the Magistrate and which is confirmed by the Sessions Court. It is contended that there is no averments made in the complaint that accused No. 3 who is the Petitioner herein is also responsible for the conduct of the business of the company. There is specific averments that the accused No. 2 and 3 are the directors and doing the business with consultation with each other for accused No. 1 company. This averment is sufficient for issue of process. Therefore I do not find any merit in this application. Application is therefore dismissed. The stay shall stand vacated. The parties to this application shall appear before the Trail Court on 17th July 2006.

(S. K. SHAH, J)